

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KATHLEEN E. POPE, et al.,

Plaintiffs,

v.

SPOKANE SCHOOL DISTRICT NO. 81,  
et al.,

Defendants.

Case No. C21-1079-JCC-SKV

ORDER RE: MOTION TO EXTEND  
NOTING DATE

Plaintiffs filed a Motion to Extend Noting Date for Bellevue School District's (BSD) Summary Judgment Motion. Dkt. 125 (addressing Dkt. 76). BSD submitted a response. Dkt. 126. *See also* Dkt. 127. The Court, having now considered the motion for an extension, the response, and the remainder of the record, herein finds and ORDERS as follows:

(1) BSD's motion for summary judgment on the merits of Plaintiffs' state law claims not related to the Individuals with Disabilities Education Act (IDEA) is currently noted for consideration on April 14, 2023. *See* Dkts. 76 & 123. Plaintiffs now seek to extend that noting date until the fourth Friday after Plaintiffs' pending Motion to Remand All Remaining State Law Claims Against BSD to State Court, Dkt. 124, is decided by the Court. BSD does not oppose the extension, but asserts that both the summary judgment motion and the motion to remand should

1 be stayed pending resolution of issues raised by Plaintiff Richard L. Pope in his prior motion and  
2 declaration seeking an extension of the noting date. *See* Dkt. 119.

3 As observed by BSD, in previously requesting an extension, Mr. Pope attested to his  
4 belief that there were “serious issues as to whether [Plaintiff] Kathleen Pope must be represented  
5 by a guardian ad litem [(GAL)] in order for any litigation to be binding upon herself.” *Id.* at 2.  
6 He observed that Ms. Pope lacked legal competency, that his involvement as a Plaintiff, an  
7 important fact witness, and as Ms. Pope’s legal representative posed conflict of interest issues,  
8 and that he was experiencing health-related issues. *Id.* at 2-5. As requested by Mr. Pope, the  
9 Court thereafter granted Plaintiffs a three-month extension of the summary judgment motion  
10 noting date so that Mr. Pope could secure a GAL for Ms. Pope and seek out independent legal  
11 representation for both Plaintiffs. Dkt. 123.

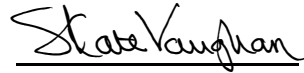
12 The Court agrees with BSD that consideration of both the summary judgment motion and  
13 the motion to remand must be delayed pending a determination on the issues associated with  
14 Plaintiffs’ representation in this matter. Given the lengthy period of time that has passed since  
15 the filing of the motion, the Court herein STRIKES BSD’s Motion for Summary Judgment, Dkt.  
16 76, from the docket. This ruling is without prejudice to BSD re-filing a dispositive motion on  
17 the merits of Plaintiffs’ state law claims not related to the IDEA at a later date. The Court also  
18 herein STRIKES the current noting date for Plaintiffs’ Motion to Remand, Dkt. 124, with the  
19 understanding that the Court will re-note that motion as may be appropriate and when the  
20 representation-related issues discussed above have been resolved.

21 (2) The Court also herein ORDERS Plaintiffs to SHOW CAUSE why a GAL for Ms.  
22 Pope should not be appointed in this matter. Plaintiffs shall comply with this directive on or  
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1 before **April 24, 2023** and BSD shall respond to Plaintiffs' submission on or before **May 4,**  
2 **2023.**

3 (3) The Clerk is directed to send copies of this Order to the parties and to the  
4 Honorable John C. Coughenour.

5 Dated this 5th day of April, 2023.

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7 S. KATE VAUGHAN  
8 United States Magistrate Judge  
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